



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

#### **Request for Special Exception**

#### **Christopher and Christina Savage/Tax Map 44, Lot 32**

**\*CORRECTED December 10, 2012**

**Applicant: Christopher and Christina Savage**

**PO Box 340**

**Moultonborough, NH 03254**

**Location: 1088 Whittier Highway (Tax Map 44, Lot 32)**

On November 7, 2012, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Christopher and Christina Savage (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII (C) & (E) to allow for use of the existing site for a Micro distillery with one (1) office space and a retail showroom for the property located in the Commercial C Zoning District.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 1088 Whittier Highway (Tax Map 44, Lot 32)
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented by Loralie Gerard of Gerard Land Surveying Co.
- 4) The lot is located in the Commercial C Zoning District.
- 5) The existing site contains a commercial garage, an office, and a dwelling unit in a separate structure.
- 6) The applicant is concurrently seeking Site Plan Review and a Special Exception from the Planning Board and the ZBA, respectively.
- 7) No members of the public wished to speak during the Public Hearing.
- 8) The specific site is an appropriate location for the use as it is located adjacent to other industrial and commercial businesses.
- 9) The use is compatible with the character of the neighborhood in the Commercial C District as it is located adjacent to other industrial and commercial businesses.

- 10) The property values in the district will not be negatively impacted by the use in the district as the property and buildings are being rehabilitated following abandonment by the previous owner.
- 11) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site.
- 12) There will be no additional burden on Town infrastructure or services by the proposed operation.
- 13) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 14) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as a *Micro distillery with retail showroom, with two small offices, or two bedroom apartment*, without the need for upgrades or repairs of the roadway.
- 15) The site has on-site fire protection facilities, with the exception of a fire suppression system, which was noted by the Board with the inclusion of a specific condition of approval (see 18), 4. below).
- 16) The application meets all of the requirements for a Special Exception under Article VI E.
- 17) The Board rescinded the prior special exception granted on September 20, 2006 for a contractor's office, maintenance and detailing shop.
- 18) The Board placed the following conditions on the approval: 1. That the Site plan submitted to the Planning Board includes a note stating that the micro distillery production not exceed 5,000 cases annually. 2. That the applicant coordinate with the NHDOT on whether an amended driveway permit is required and submit any written answer to the Planning Board during the site plan review process. 3. That there shall be no parking in the Effluent Disposal Area. 4. That the Planning Board follows through with the Fire Chief on any necessary fire suppression system.
- 19) On, November 7, 2012, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Crowe, Hopkins) and none (0) opposed, to grant the request for a special exception for Christopher and Christina Savage (44-32) and to close the Public Hearing. They moved to direct Staff to draft formal Notice of Decision language, to be reviewed by the Board at the December 5, 2012 Regular Meeting.

The Board of Adjustment, on December 5, 2012, approved by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, King) and none (0) opposed, this formal Notice of Decision and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file.

The decision made to grant the special exception on November 7, 2012 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

  
Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 12-10-2012

\* Item #14 corrected to list use as approved by the ZBA on November 7, 2012. Changed "excavation business" to Micro distillery with retail showroom, with two small offices, or two bedroom apartment.